



satisfied the requirements of N.J.A.C. 1:1-19.1. Pursuant to the terms of the Settlement, and in order to fully resolve this matter, Respondent, without agreeing to the merits of the allegations set out in the petition and in the interest of good customer relations, will adjust Respondent's Outstanding Balance downward to \$480.00 ("Adjusted Outstanding Balance"). Said adjustment will be reflected on the billing statement issued to Petitioner after the Stipulation is approved. In return, Petitioner will enter into a deferred payment agreement which shall provide for monthly payments of \$20.00, in addition to the monthly bill received by Petitioner from Respondent for gas service, until Petitioner has fully paid the Adjusted Outstanding Balance.

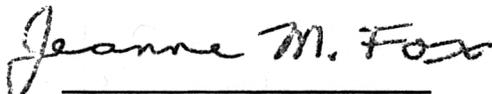
After review of the record and the Settlement of the parties, the Board HEREBY FINDS that the parties have voluntarily agreed to the Settlement as evidenced by their signatures and that by the terms of the Settlement, have fully resolved all outstanding contested issues in this matter.

Accordingly, the Board HEREBY ADOPTS the Initial Decision and the Settlement executed by the parties in their entirety as if fully set forth herein.

DATED: 12/15/11

BOARD OF PUBLIC UTILITIES  
BY:

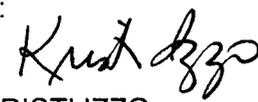
  
LEE A. SOLOMON  
PRESIDENT

  
JEANNE M. FOX  
COMMISSIONER

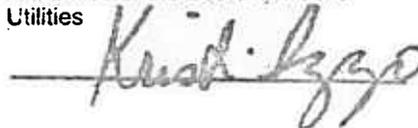
  
JOSEPH L. FIORDALISO  
COMMISSIONER

  
NICHOLAS ASSELTA  
COMMISSIONER

ATTEST:

  
KRISTI IZZO  
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities



MARY E. WHITMORE

V.

PIVOTAL UTILITY HOLDINGS, INC., D/B/A ELIZABETHTOWN GAS

BPU DOCKET NO. GC10090658U

OAL DOCKET NO. PUC08392-11

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Newark, New Jersey 07101

FWO 11/22/11

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CASE MANAGEMENT

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BOARD OF PUBLIC UTILITIES  
NEWARK, N.J.



*State of New Jersey*  
OFFICE OF ADMINISTRATIVE LAW

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INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 8392-11

AGENCY DKT. NO. GC10090658U

MARY WHITMORE,

Petitioner,

v.

PIVOTAL UTILITY HOLDINGS, INC.

D/B/A ELIZABETHTOWN GAS

Respondent.

*ems*  
*Bestow*  
*DAG*  
*Vachier*  
*RPA*  
*Haynes*  
*Lee-Thomas*  
*Ford-Williams*  
*Jember*

Bruce H. Bergen, Esq. for petitioner (Krevsky, Silber & Bergen, attorneys)

Deborah Franco, Esq., for respondent Elizabethtown Gas Company  
(Cullen & Dykman, LLC, attorneys)

Veronica Beke, Deputy Attorney General, for respondent Board of Public  
Utilities (Paula Dow, Attorney General of New Jersey, attorney)

Record Closed: October 28, 2011

Decided November 16, 2011

BEFORE IRENE JONES, ALJ.

STATEMENT OF THE CASE

On July 14, 2011, this matter was transmitted to the Office of Administrative Law (OAL) for hearing as a contested case pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F1 to -13.

The matter was scheduled for a hearing on September 23, 2011 but was adjourned because the parties agreed to settle the matter. An executed copy of the Settlement Agreement was forwarded to the OAL on October 28, 2011 and is attached hereto.

After reviewing the record and the settlement, I **FIND**:

1. The parties have voluntarily agreed to the settlement as evidenced by the signatures or the signatures of the representatives.
2. The settlement fully disposes of all issues in controversy and is consistent with the law and is in the public interest.

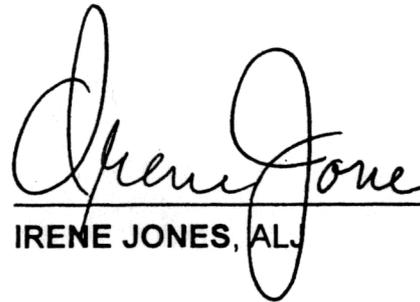
Therefore, I **CONCLUDE** that this agreement meets the requirements of N.J.A.C. 1:1-19.1(d) and should be approved. It is further **ORDERED** that the parties comply with the settlement terms and the proceedings be **CONCLUDED**.

I hereby **FILE** my initial decision with the **BOARD OF PUBLIC UTILITIES** for consideration.

~~This recommended decision may be adopted, modified or rejected~~ by the **BOARD OF PUBLIC UTILITIES**, which by law is authorized to make a final decision in this matter. If the Board of Public Utilities does not adopt, modify or reject this decision within forty-five (45) days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with *N.J.S.A. 52:14B-10*.

November 16, 2011

\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
IRENE JONES, ALJ

Date Received at Agency:

\_\_\_\_\_

Date Mailed to Parties:

\_\_\_\_\_

**STATE OF NEW JERSEY  
BOARD OF PUBLIC UTILITIES**

FILED  
BY LAW  
2011 OCT 20 P 4:05

_____		
Mary E. Whitmore	x	
	x	
v.	x	BPU Docket No. GC10090658U
	x	OAL Docket No. PUC 08392-2011N
Elizabethtown Gas	x	
_____	x	

**STIPULATION OF SETTLEMENT**

To the Honorable Board of Public Utilities:

**WHEREAS**, on September 13, 2010, Mary E. Whitmore ("Petitioner") filed a petition ("Petition") to dispute a \$668.00 charge that Petitioner now asserts is \$729.88.(the "Outstanding Balance") for natural gas service provided by Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas ("Elizabethtown");

**WHEREAS**, Elizabethtown's records indicate that the Outstanding Balance reflects an amount owed for natural gas consumed by Petitioner for gas service provided to Petitioner's premises located at 710 Roselle Street, #1F, Linden, New Jersey 07036;

**WHEREAS**, on or about July 6, 2011, Elizabethtown filed an Answer to the Petition;

**WHEREAS**, while this matter was pending at the Board and the Office of Administrative Law, the parties engaged in negotiations and entered into this Stipulation of Settlement ("Stipulation"); and

**WHEREAS**, in the interests of resolving this matter without further delay, effort and cost, the parties hereto agree to settle this matter;

**IT IS THEREFORE AGREED AS FOLLOWS:**

- 1 Without agreeing with the merits of the allegations expressed in the Petition and in the interest of good customer relations and in recognition of the individual circumstances of this case, Elizabethtown agrees to adjust the Outstanding Balance downward to \$480.00 ("Adjusted Outstanding Balance"). This adjustment will be reflected on the billing statement issued to Petitioner after this Stipulation becomes effective as set forth in paragraph 2. below.

- ~~2. To satisfy Petitioner's obligation under paragraph 1 to pay the Adjusted Outstanding Balance, within forty-five (45) days of an Administrative Law Judge Initial Decision approving this Stipulation, or within 10 days of a Board Order approving such Initial Decision, whichever is earlier, a twenty-four (24) month deferred payment agreement will commence pursuant to which Petitioner shall provide a monthly payment of \$20.00 ("20.00 Monthly Payment) to Elizabethtown in addition to Petitioner's monthly gas bill for natural gas service. Petitioner shall provide the \$20.00 Monthly Payment to Elizabethtown until Petitioner has paid the Adjusted Outstanding Balance in full. Petitioner's billing statement will reflect the existence of such deferred payment agreement.~~
3. This Stipulation provides for a final resolution of this proceeding.
4. The undersigned agree that this Stipulation contains mutually balancing and interdependent provisions and is intended to be accepted and approved in its entirety. In the event any particular aspect of this Stipulation is not accepted and approved by the Board or modified by the Board, the party that is adversely affected by the modification can either accept the modification or declare this Stipulation to be null and void, and the parties shall be placed in the same position that they were in immediately prior to its execution.

**PIVOTAL UTILITY HOLDINGS, INC.  
D/B/A ELIZABETHTOWN GAS**

By: Mary Patricia Keefe  
Mary Patricia Keefe  
Vice President, Regulatory Affairs

Dated: October 26, 2011

Mary E. Whitmore  
Mary E. Whitmore

Dated: October 19, 2011